
HOUSE BILL No. 1120

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12; IC 12-7-2; IC 12-21-2-3; IC 12-23-14.5; IC 33-23-14; IC 33-23-15; IC 33-37-5; IC 33-38-9; IC 34-6-2-80; IC 34-30-2.

Synopsis: Problem solving courts. Provides that a court with criminal or juvenile jurisdiction may establish a problem solving court for alternative treatment and rehabilitation. Requires the board of directors of the judicial center to adopt rules for the certification and operation of problem solving courts. Requires the judicial conference of Indiana to submit annual reports, for three years, to the sentencing policy study committee, concerning problem solving courts. (The introduced version of this bill was prepared by the sentencing policy study committee and the commission on mental health.)

Effective: July 1, 2009; July 1, 2010.

Lawson L, Brown C, Foley

January 8, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1120

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-12-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A community
3 corrections advisory board shall:

4 (1) formulate:

5 (A) the community corrections plan and the application for
6 financial aid required by section 4 of this chapter; and

7 (B) the forensic diversion program plan under IC 11-12-3.7;

8 (2) observe and coordinate community corrections programs in
9 the county;

10 (3) make an annual report to the county fiscal body, county
11 executive, or, in a county having a consolidated city, the
12 city-county council, containing an evaluation of the effectiveness
13 of programs receiving financial aid under this chapter and
14 recommendations for improvement, modification, or
15 discontinuance of these programs;

16 (4) ensure that programs receiving financial aid under this chapter
17 comply with the standards adopted by the department under



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section 5 of this chapter; and

(5) recommend to the county executive or, in a county having a consolidated city, to the city-county council, the approval or disapproval of contracts with units of local government or nongovernmental agencies that desire to participate in the community corrections plan.

Before recommending approval of a contract, the advisory board must determine that a program is capable of meeting the standards adopted by the department under section 5 of this chapter.

(b) A community corrections advisory board shall do the following:

(1) Adopt bylaws for the conduct of its own business.

(2) Hold a regular meeting at least one (1) time every three (3) months and at other times as needed to conduct all necessary business. Dates of regular meetings shall be established at the first meeting of each year.

(3) Comply with the public meeting and notice requirements under IC 5-14-1.5.

(c) A community corrections advisory board may contain an office as designated by the county executive or, in a county having a consolidated city, by the city-county council.

(d) Notwithstanding subsection (a)(4), the standards applied to a court alcohol and drug program or a **drug problem solving** court that provides services to a forensic diversion program under IC 11-12-3.7 must be the standards established under IC 12-23-14 or ~~IC 12-23-14.5~~. **IC 33-23-15.**

SECTION 2. IC 11-12-3.7-7, AS AMENDED BY P.L.192-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) An advisory board shall develop a forensic diversion plan to provide an adult who:

(1) has a mental illness, an addictive disorder, or both a mental illness and an addictive disorder; and

(2) has been charged with a crime that is not a violent crime; an opportunity, pre-conviction or post-conviction, to receive community treatment and other services addressing mental health and addictions instead of or in addition to incarceration.

(b) The forensic diversion plan may include any combination of the following program components:

(1) Pre-conviction diversion for adults with mental illness.

(2) Pre-conviction diversion for adults with addictive disorders.

(3) Post-conviction diversion for adults with mental illness.

(4) Post-conviction diversion for adults with addictive disorders.

(c) In developing a plan, the advisory board must consider the

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ability of existing programs and resources within the community, including:

- (1) a ~~drug~~ **problem solving** court established under ~~IC 12-23-14.5~~; **IC 33-23-15**;
- (2) a court alcohol and drug program certified under IC 12-23-14-13;
- (3) treatment providers certified by the division of mental health and addiction under IC 12-23-1-6 or IC 12-21-2-3(a)(5); and
- (4) other public and private agencies.

(d) Development of a forensic diversion program plan under this chapter or IC 11-12-2-3 does not require implementation of a forensic diversion program.

(e) The advisory board may:

- (1) operate the program;
- (2) contract with existing public or private agencies to operate one (1) or more components of the program; or
- (3) take any combination of actions under subdivisions (1) or (2).

(f) Any treatment services provided under the forensic diversion program:

- (1) for addictions must be provided by an entity that is certified by the division of mental health and addiction under IC 12-23-1-6; or
- (2) for mental health must be provided by an entity that is:
 - (A) certified by the division of mental health and addiction under IC 12-21-2-3(a)(5);
 - (B) accredited by an accrediting body approved by the division of mental health and addiction; or
 - (C) licensed to provide mental health services under IC 25.

SECTION 3. IC 12-7-2-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26.5. "Chemical test", for purposes of IC 12-23-14, ~~and IC 12-23-14.5~~; means an analysis of an individual's:

- (1) blood;
- (2) breath;
- (3) hair;
- (4) sweat;
- (5) saliva;
- (6) urine; or
- (7) other bodily substance;

to determine the presence of alcohol or a controlled substance (as defined in IC 35-48-1-9).

SECTION 4. IC 12-21-2-3, AS AMENDED BY P.L.99-2007,

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SECTION 100, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 3. (a) In addition to the general
authority granted to the director under IC 12-8-8, the director shall do
the following:

(1) Organize the division, create the appropriate personnel
positions, and employ personnel necessary to discharge the
statutory duties and powers of the division or a bureau of the
division.

(2) Subject to the approval of the state personnel department,
establish personnel qualifications for all deputy directors,
assistant directors, bureau heads, and superintendents.

(3) Subject to the approval of the budget director and the
governor, establish the compensation of all deputy directors,
assistant directors, bureau heads, and superintendents.

(4) Study the entire problem of mental health, mental illness, and
addictions existing in Indiana.

(5) Adopt rules under IC 4-22-2 for the following:

(A) Standards for the operation of private institutions that are
licensed under IC 12-25 for the diagnosis, treatment, and care
of individuals with psychiatric disorders, addictions, or other
abnormal mental conditions.

(B) Licensing supervised group living facilities described in
IC 12-22-2-3 for individuals with a mental illness.

(C) Certifying community residential programs described in
IC 12-22-2-3 for individuals with a mental illness.

(D) Certifying community mental health centers to operate in
Indiana.

(E) ~~Establish~~ **Establishing** exclusive geographic primary
service areas for community mental health centers. The rules
must include the following:

(i) Criteria and procedures to justify the change to the
boundaries of a community mental health center's primary
service area.

(ii) Criteria and procedures to justify the change of an
assignment of a community mental health center to a
primary service area.

(iii) A provision specifying that the criteria and procedures
determined in items (i) and (ii) must include an option for
the county and the community mental health center to
initiate a request for a change in primary service area or
provider assignment.

(iv) A provision specifying the criteria and procedures

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determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.

(F) Certifying addictions and mental health treatment services provided by problem solving courts under IC 33-23-15-16(b).

(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or managed care providers.

(12) Establish, maintain, and reallocate before July 1, 1996, one-third (1/3), and before January 1, 1998, the remaining two-thirds (2/3) of the following:

(A) long term care service settings; and

(B) state operated long term care inpatient beds;

designed to provide services for patients with long term psychiatric disorders as determined by the quadrennial actuarial study under IC 12-21-5-1.5(9). A proportional number of long term care service settings and inpatient beds must be located in an area that includes a consolidated city and its adjacent counties.

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(13) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(14) Establish standards for each element of the continuum of care for community mental health centers and managed care providers.

(b) As used in this section, "long term care service setting" means the following:

(1) The anticipated duration of the patient's mental health setting is more than twelve (12) months.

(2) Twenty-four (24) hour supervision of the patient is available.

(3) A patient in the long term care service setting receives:

(A) active treatment if appropriate for a patient with a chronic and persistent mental disorder or chronic addictive disorder;

(B) case management services from a state approved provider; and

(C) maintenance of care under the direction of a physician.

(4) Crisis care is available.

(c) Funding for services under subsection (a)(12) shall be provided by the division through the reallocation of existing appropriations. The need of the patients is a priority for services. The division shall adopt rules to implement subsection (a)(12) before July 1, 1995.

SECTION 5. IC 33-23-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 15. Problem Solving Courts

Sec. 1. As used in this chapter, "board" refers to the board of directors of the judicial conference of Indiana under IC 33-38-9-4.

Sec. 1.5. As used in this chapter, "chemical test" means an analysis of an individual's:

(1) blood;

(2) breath;

(3) hair;

(4) sweat;

(5) saliva;

(6) urine; or

(7) other bodily substance;

to determine the presence of alcohol or a controlled substance (as defined in IC 35-48-1-9).

Sec. 2. As used in this chapter, "community court" means a problem solving court focused on addressing specific neighborhood or local criminal problems by:

(1) bringing together criminal justice professionals, local

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1 social programs, and intensive judicial monitoring; and
 2 (2) linking eligible defendants or juveniles to individually
 3 tailored programs or services.

4 Sec. 3. (a) As used in this chapter, "drug court" means a
 5 problem solving court focused on addressing the substance abuse
 6 issues of individuals in the criminal justice system by:

7 (1) bringing together substance abuse rehabilitation
 8 professionals, local social programs, and intensive judicial
 9 monitoring; and

10 (2) linking eligible defendants or juveniles to individually
 11 tailored programs or services.

12 (b) The term does not include an alcohol abuse deterrent
 13 program established under IC 9-30-9.

14 Sec. 4. As used in this chapter, "family dependency drug court"
 15 means a problem solving court focused on supporting families that
 16 contain a child who has been adjudicated a child in need of services
 17 and a parent who has substance abuse problems by:

18 (1) bringing together substance abuse rehabilitation
 19 professionals, local social programs, and intensive judicial
 20 monitoring; and

21 (2) linking eligible parents and juveniles to individually
 22 tailored programs or services.

23 Sec. 5. As used in this chapter, "mental health court" means a
 24 problem solving court focused on addressing the mental health
 25 needs of defendants or juveniles in the criminal justice system by:

26 (1) bringing together mental health professionals, local social
 27 programs, and intensive judicial monitoring; and

28 (2) linking eligible defendants or juveniles to individually
 29 tailored programs or services.

30 Sec. 6. As used in this chapter, "problem solving court" means
 31 an immediate and a highly structured judicial intervention process
 32 for eligible defendants or juveniles that incorporates the following
 33 problem solving concepts:

34 (1) Enhanced information to improve decision making.

35 (2) Engaging the community to assist with problem solving.

36 (3) Collaboration with social service providers and other
 37 stakeholders.

38 (4) Linking participants with community services based on
 39 risk and needs.

40 (5) Participant accountability.

41 (6) Evaluating the effectiveness of operations continuously.

42 Sec. 7. As used in this chapter, "reentry court" means a problem

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1 solving court focused on the needs of individuals who reenter the
 2 community after a period of incarceration and that may provide a
 3 range of necessary reintegration services for eligible individuals,
 4 including the following:

- 5 (1) Supervision.
- 6 (2) Offender assessment.
- 7 (3) Judicial involvement.
- 8 (4) Case management and services.
- 9 (5) Program evaluation.
- 10 (6) Counseling.
- 11 (7) Rehabilitative care.

12 **Sec. 8. A court having felony, misdemeanor, or juvenile**
 13 **jurisdiction in a city or county may establish a problem solving**
 14 **court. A problem solving court established under this chapter**
 15 **includes a:**

- 16 (1) drug court;
- 17 (2) mental health court;
- 18 (3) family dependency drug court;
- 19 (4) community court;
- 20 (5) reentry court; or
- 21 (6) court certified as a problem solving court by the Indiana
 22 judicial center under section 13 of this chapter.

23 **Sec. 9. (a) A problem solving court established under this**
 24 **chapter and accompanying services are available only to**
 25 **individuals over whom the court that established the problem**
 26 **solving court has jurisdiction.**

27 **(b) A problem solving court that does not have felony**
 28 **jurisdiction may accept an individual convicted of a felony from**
 29 **another court within the county if the problem solving court**
 30 **returns the case to the referring court for additional proceedings**
 31 **if the individual has:**

- 32 (1) successfully completed the problem solving court's
 33 program; or
- 34 (2) had the individual's participation in the problem solving
 35 court terminated by the problem solving court.

36 **(c) A problem solving court may transfer a case to another**
 37 **problem solving court. A receiving problem solving court may**
 38 **impose sanctions and restrictions on a participant as if the**
 39 **receiving problem solving court were the original problem solving**
 40 **court. The original problem solving court retains jurisdiction on a**
 41 **case transferred to another problem solving court for final**
 42 **disposition following:**

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(1) the participant's successfully completion of the program;
or

(2) termination from the program if the participant fails to:
(A) complete the program; or
(B) comply with program requirements.

(d) The board shall adopt rules prescribing minimum eligibility criteria for an individual to participate in a problem solving court program.

Sec. 10. (a) A person is eligible to participate in a problem solving court only if:

(1) the person meets all criteria established by the board under section 9 of this chapter; and

(2) the judge approves the admission of the person to the problem solving court.

(b) If a person is eligible to participate in a problem solving court, a person may be referred to the problem solving court as a result of any of the following:

(1) The procedure described in section 11 of this chapter.

(2) As a term of probation.

(3) As a condition of participation in a community corrections program under IC 11-12-1.

(4) As a condition of participation in a forensic diversion program under IC 11-12-3.7.

(5) As a condition of a community transition program under IC 11-10-11.5

(6) As a condition of parole.

Sec. 11. (a) A problem solving court may, without entering a judgment of conviction, defer proceedings and place an eligible person in a problem solving court under this section only if:

(1) the person pleads guilty to an offense that is eligible for problem solving court participation as determined by the board under section 9 of this chapter;

(2) the court refers the person to a problem solving court;

(3) the prosecuting attorney consents to the referral;

(4) the person who pleads guilty under subdivision (1) consents to the referral;

(5) the problem solving court accepts the referral; and

(6) the problem solving court, the prosecuting attorney, and the participant all agree upon the duration of the conditions for participating in the problem solving court.

(b) If the problem solving court determines, after a hearing, that:

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(1) the participant violated a condition established under subsection (a)(6); or

(2) the period that the conditions established under subsection (a)(6) were in effect expired before the person successfully completed each condition established by the problem solving court;

the problem solving court may terminate the person's participation in the problem solving court.

(c) When a person's participation in a problem solving court has been terminated by the problem solving court under subsection (b), the problem solving court shall:

(1) enter a judgment of conviction against the person; or

(2) refer the case back to the court that referred the case to the problem solving court to allow the referring court to enter a judgment of conviction against the person.

(d) When a participant fulfills the conditions established by a problem solving court under subsection (a), the problem solving court shall:

(1) dismiss the charges against the person; or

(2) refer the case back to the court that referred the case to the problem solving court to allow the referring court to dismiss the charges against the person.

Sec. 12. (a) As used in this section, "effective date" means the date established by the board after which minimum employment qualifications are required for persons employed by a problem solving court program.

(b) A program established under this chapter is subject to the regulatory powers of the Indiana judicial center established under IC 33-38-9.

(c) The board shall adopt rules concerning the requirements and procedures for:

(1) initial certification;

(2) recertification; and

(3) decertification;

of problem solving courts.

(d) The board may adopt rules concerning educational and occupational qualifications for problem solving court program employees.

(e) If the board adopts qualifications under this section:

(1) the board shall establish an effective date after which a person employed by a problem solving court must meet the qualifications adopted under this section; and

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(2) the employment qualifications adopted under this section do not apply to a person who is employed:

(A) by a certified problem solving court before the effective date; or

(B) as administrative personnel.

Sec. 13. The Indiana judicial center shall:

(1) ensure that problem solving courts comply with the rules adopted under this chapter and applicable federal regulations;

(2) certify problem solving courts established under this chapter; and

(3) require, as a condition of operation, that each problem solving court created, certified, or funded under this chapter be certified according to the rules adopted by the board.

Sec. 14. The Indiana judicial center may:

(1) revoke the certification of a problem solving court if the Indiana judicial center determines that a problem solving court does not comply with rules adopted under this chapter and applicable federal regulations; and

(2) enter into agreements or contracts with:

(A) another department, authority, or agency of the state;

(B) another state;

(C) the federal government;

(D) a state educational institution or private postsecondary educational institution; or

(E) a public or private agency;

to implement this chapter.

Sec. 15. (a) A court shall notify the Indiana judicial center during the planning stages of the court's intention to establish a problem solving court.

(b) A court seeking to establish a problem solving court must submit a petition for approval to the Indiana judicial center in accordance with rules adopted by the board.

(c) A problem solving court may not:

(1) assess fees; or

(2) collect fees;

until the problem solving court obtains written approval from the Indiana judicial center.

Sec. 16. (a) A problem solving court established under this chapter may provide the following services to eligible participants:

(1) Screening for eligibility and other appropriate services.

(2) Assessment.

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- (3) Education.
- (4) Referral.
- (5) Service coordination and case management.
- (6) Supervision.
- (7) Judicial involvement.
- (8) Program evaluation.

(b) A problem solving court established under this chapter may not provide direct treatment or rehabilitation services unless:

- (1) the problem solving court is certified by the division of mental health and addiction under IC 12-21-2-3; and
- (2) the court that establishes the problem solving court determines that existing community resources are inadequate to respond satisfactorily to the demand for services from the court.

Sec. 17. A court may take steps necessary to carry out the functions of the problem solving court established under this chapter, including the following:

- (1) Hiring employees as needed to perform the required functions of the problem solving court.
- (2) Establishing policies and procedures for the problem solving court.
- (3) Adopting local court rules as necessary for the problem solving court.

Sec. 18. (a) The costs of a problem solving court established under this chapter may, at the discretion of the fiscal body of the unit, be supplemented out of the city general fund or the county general fund and may be further supplemented by payment from the user fee fund upon appropriation made under IC 33-37-8.

(b) A problem solving court may apply for and receive the following:

- (1) Gifts, bequests, and donations from private sources.
- (2) Grants and contract money from governmental sources.
- (3) Other forms of financial assistance approved by the court to supplement the problem solving court's budget.

Sec. 19. (a) A court that has established a problem solving court under this chapter may require an eligible individual to pay a fee for problem solving court services.

(b) If a fee is required, the court shall adopt by local court rule a schedule of fees to be assessed for problem solving court services.

(c) The fee for problem solving court services may not exceed the reasonable expenses for direct services provided to a participant under the supervision of the problem solving court.

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(d) The clerk of the court shall collect fees under this section. The clerk shall transmit the fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

Sec. 20. (a) A problem solving court established under this chapter may require a participant to undergo chemical testing.

(b) A participant may be liable for the cost of any or all chemical tests required by the problem solving court, including:

(1) laboratory expenses; and

(2) problem solving court expenses.

(c) A laboratory that performs a chemical test as ordered by a problem solving court shall report the results to the problem solving court.

Sec. 21. (a) The Indiana judicial center problem solving court fund is established for the purpose of administering, certifying, and supporting problem solving court programs under this chapter. The fund shall be administered by the Indiana judicial center.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of the fiscal year does not revert to the state general fund.

Sec. 22. A person does not have a right to participate in a problem solving court under this chapter.

Sec. 23. The coordinator and members of the professional and administrative staff of a problem solving court who perform duties in good faith under this chapter are immune from civil liability for:

(1) acts or omissions in providing services under this chapter; and

(2) the reasonable exercise of discretion in determining eligibility to participate in a problem solving court.

SECTION 6. IC 33-37-5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) This section applies to a proceeding in a ~~drug court~~ **problem solving court** under ~~IC 12-23-14.5~~ **IC 33-23-15**.

(b) The clerk shall collect a ~~drug~~ **problem solving** court fee if payment of the fee is ordered by a ~~drug~~ **problem solving** court under ~~IC 12-23-14.5-12~~ **IC 33-23-15-19**.

SECTION 7. IC 33-38-9-9, AS AMENDED BY P.L.60-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The Indiana judicial center shall administer the following:

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(1) The alcohol and drug services program under IC 12-23-14.
and the certification of drug courts under ~~IC 12-23-14.5~~.

(2) The certification of ~~reentry~~ **problem solving** courts under
~~IC 33-23-14~~. **IC 33-23-15**.

SECTION 8. IC 33-38-9-10 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2010]: **Sec. 10. (a) The Indiana judicial center shall submit a
report to the sentencing policy study committee by July 1 of each
year concerning the status of problem solving courts. The report
must contain the following information:**

(1) The number of problem solving courts certified by the
Indiana judicial center.

(2) The number of courts that have notified the Indiana
judicial center of the intention to establish a problem solving
court.

(3) The number of each type of problem solving court, as
described in IC 33-23-15-8, that are established, including
courts approved under IC 33-23-15-8(6).

(4) The success rates of problem solving courts with specific
examples of successes and failures.

(5) Legislative suggestions to improve the certification or
operation of problem solving courts.

(c) This section expires August 1, 2013.

SECTION 9. IC 34-6-2-80, AS AMENDED BY P.L.2-2007,
SECTION 370, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 80. "Mental health service
provider", for purposes of IC 34-30-16, means any of the following:

(1) A physician licensed under IC 25-22.5.

(2) A hospital licensed under IC 16-21.

(3) A private institution licensed under IC 12-25.

(4) A psychologist licensed under IC 25-33.

(5) A school psychologist licensed by the Indiana state board of
education.

(6) A postsecondary educational institution counseling center
under the direction of a licensed psychologist, physician, or
mental health professional.

(7) A registered nurse or licensed practical nurse licensed under
IC 25-23.

(8) A clinical social worker licensed under IC 25-23.6-5-2.

(9) A partnership, a limited liability company, a corporation, or a
professional corporation (as defined in IC 23-1.5-1-10) whose
partners, members, or shareholders are mental health service

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providers described in subdivisions (1) through (6).

(10) A community mental health center (as defined in IC 12-7-2-38).

(11) A program for the treatment, care, or rehabilitation of alcohol abusers or drug abusers that is:

(A) certified under IC 12-23-1-6; or

(B) created and funded under IC 12-23-14 or ~~IC 12-23-14.5~~.

IC 33-23-15.

(12) A state institution (as defined in IC 12-7-2-184).

(13) A managed care provider (as defined in IC 12-7-2-127(b)).

SECTION 10. IC 34-30-2-140.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 140.7. IC 33-23-15-23 (Concerning the coordinator and members of the professional and administrative staff of a problem solving court).**

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 12-7-2-73.5; IC 12-23-14.5; IC 33-23-14; IC 33-37-5-29; IC 34-30-2-47.7; IC 34-30-2-140.5.

SECTION 12. [EFFECTIVE JULY 1, 2009] **(a) A drug court established under IC 12-23-14.5 (before its repeal by this act) or a reentry court established under IC 33-23-14 (before its repeal by this act) shall be certified by the Indiana judicial center as a problem solving court in accordance with IC 33-23-15.**

(b) All funds in the Indiana judicial center drug court fund (IC 12-23-14.5-13) (before its repeal by this act) on June 30, 2009, are transferred to the Indiana judicial center problem solving court fund (IC 33-23-15-21), as added by this act, on July 1, 2009.

(c) This SECTION expires July 1, 2010.

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